

67404

Vol. 1180 Page 19276

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

2 In the Matter of the Estate)

No. P-34-74

3 of)

4 MABEL A. McCOLLUM,)

ORDER APPROVING FINAL
ACCOUNT AND DECREE OF
DISTRIBUTION

5 Deceased.)

'86 OCT 23 AM 8 46

6
7 This matter coming before the court upon the final
8 account of Melvin W. McCollum and LaVene E. Konschot,
9 co-personal representatives of the above estate, and the final
10 account having been filed on July 29, 1986, and the time for
11 filing objections having passed with no objections having been
12 filed, the court finds that:

1.

13
14 All Oregon income, inheritance and personal property
15 taxes have been paid and appropriate receipts, releases and
16 clearances therefor have been filed herein.

2.

17
18 The personal representatives are entitled to the amount
19 of \$10,686.54 each as reasonable personal representatives' fees.

3.

20
21 Frohnmayer, Deatherage, Foster & Purdy are entitled to
22 a reasonable attorneys' fee in the amount of \$35,000, and Foster
23 & Purdy are entitled to a reasonable attorneys' fee in the
24 amount of \$4,000, together with the sum of \$86.43 for expenses
25 advanced by them.

26 / / /

FOSTER & PURDY
ATTORNEYS AT LAW
201 W. MAIN STREET, SUITE 4A
P.O. BOX 1667 - 503 770-5466
MEDFORD, OREGON 97501

Page 1 - Order Approving Final Account and
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4.
The balance of the estate shall be distributed and shall vest as follows:

(a) The McCollum Lumber Partnership property, consisting of the real property more particularly described in exhibit "A" attached hereto and made a part hereof, and miscellaneous machinery and equipment more particularly described on exhibit "D" to the final account and petition for distribution on file herein, in accordance with the terms of the partnership agreement and the decedent's will, vests as follows:

(1) Melvin W. McCollum, an undivided two-thirds interest as a tenant-in-common.

(2) LaVene E. Konschot, an undivided one-third interest as a tenant-in-common.

(b) The balance of the assets of the estate, subject to the liabilities thereon including, but not limited to, the real property subject to the contract of sale thereon described in exhibit "B" attached hereto and made a part hereof, the First Executive Corporation stock and warrant certificates listed on exhibit "C" attached hereto and made a part hereof, and the note and trust deed described in exhibit "D" attached hereto and made a part hereof, in accordance with decedent's will, vests as follows:

(1) Melvin W. McCollum, an undivided one-half interest as a tenant-in-common.

(2) LaVene E. Konschot, an undivided one-half

2 - Order Approving Final Account and Decree of Distribution

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Page

1 interest as a tenant-in-common.
2

5.

3 Proof of mailing the notice of time for filing
4 objections to the final account and petition for decree of
5 distribution has been filed herein.
6

6.

7 The final account should be approved.
8 IT IS HEREBY ORDERED AND DECREED:

9 A. The final account is approved;
10 B. The requirement that the personal representative

11 file the original vouchers with the final account is waived;
12 C. The personal representatives are directed to pay the

13 sums of \$10,686.54 to LaVene E. Konschot and \$10,686.54 to
14 Melvin W. McCollum as reasonable personal representatives' fees;

15 D. The personal representatives are directed to pay to
16 Frohnmayer, Deatherage, Foster & Purdy the sum of \$35,000 as
17 reasonable attorneys' fees, and to Foster & Purdy the sum of
18 \$4,000 as reasonable attorneys' fees, together with the sum of
19 \$86.43 for expenses advanced by them;

20 E. The personal representatives are directed to make
21 distribution of the remaining estate property to those persons
22 and in the amounts set forth in paragraph 4 above, and said
23 property is hereby vested in said persons as tenants-in-common.
24

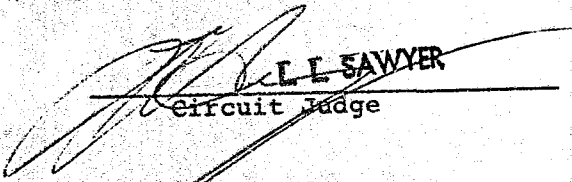
25 F. Upon filing of receipts therefor, closing this
26

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estate and discharging the personal representatives.

Dated this 13 day of Oct, 1986.


J. L. SAWYER
Circuit Judge

Co-Personal Representatives

Attorneys

Melvin W. McCollum
Post Office Box 4686
Medford, Oregon 97501
Telephone: (503) 779-4701

Stuart E. Foster
Foster & Purdy
201 West Main, Suite 4A
Post Office Box 1667
Medford, Oregon 97501
Telephone: (503) 770-5466

LaVene E. Konschot
1839 Washington Street
Port Townsend, Washington 98368

RECEIVED
AND
FILED

OCT 13 3 45 PM '86
TRIAL COURT ADMINISTRATOR
COUNTY OF JEFFERSON

FOSTER & PURDY
ATTORNEYS AT LAW
201 W. MAIN STREET, SUITE 4A
P.O. BOX 1667 - 503 770-5466
MEDFORD, OREGON 97501

EXHIBIT "A"

19280

PARCEL 1:

The following described real property situated in Josephine County, Oregon, to-wit:

Beginning at a point which is 870 feet West of the Southeast corner of Lot 7 in Section 20, Township 36 South, Range 5 West of the Willamette Meridian, Oregon, and run thence North 122 feet, more or less, to the South line of the re-located Pacific Highway; thence Southeasterly along the Southerly line of said Highway to a point which is North of a point 667 feet East of the Southwest corner of said Lot 7; thence South 89 feet, more or less, to the South line of said Lot 7; thence West 210 feet, more or less, to the point of beginning. Also, beginning at a point which is 456 feet East and 826 feet South of the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 20, Township 36 South, Range 5 West of the Willamette Meridian, Josephine County, Oregon, and run thence North 826 feet to the North line of said Subdivision; thence East 211 feet to the Northwest corner of a parcel of land deeded to Estelle Hugerth by deed recorded in Vol. 56 at page 439 of the Deed Records of Josephine County, Oregon; thence South 826 feet to a point East of the point of beginning; thence West 211 feet to the point of beginning.

PARCEL 2:

The following described real property situated in Josephine County, Oregon, to-wit:

Beginning at a point on the South line of Lot 7 in Section 20, Township 36 South, Range 5 West of the Willamette Meridian, 870 feet West of the Southeast corner of said lot; thence West 63 feet; thence North to the South right of way of the Pacific Highway; thence Southeasterly along said right of way to a point North of the point of beginning; thence South 122 feet, more or less, to the point of beginning, in Josephine County, Oregon.

PARCEL 3:

The following described real property situated in Klamath County, Oregon, to-wit:

Lot Five (5), Block Two Hundred Six (206) Mills Second Addition to Klamath Falls, Oregon, according to the duly recorded plat of said addition on file in the office of the County Clerk of said County.

PARCEL 4:

The following described real property situated in Klamath County, Oregon, to-wit:

The North Eleven (11) feet of Lot Six (6) in Block Two Hundred Six (206) of Mills Second Addition to the City of Klamath Falls, Oregon, according to the duly recorded plat thereof.

PARCEL 5:

The following described real property situated in Klamath County, Oregon, to-wit:

Lots Six (6) and Seven (7) of Block Two Hundred Seven (207) of Mills Second Addition to the City of Klamath Falls, Oregon.

PARCEL 6:

The following described real property situated in Klamath County, Oregon, to-wit:

The Southeast Quarter of the Northwest Quarter, the East Half of the Southwest Quarter and the West Half of the Southeast Quarter of Section One (1) in Township Thirty Six (36), South of Range Seven (7) East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 7:

The following described real property situated in Klamath County, Oregon, to-wit:

The Southeast Quarter of Section 8, Township 33, Range 7 East Willamette Meridian, Klamath County, Oregon, containing 160 acres.

PARCEL 8:

The following described real property situated in Klamath County, Oregon, to-wit:

The Southeast Quarter of the Southeast Quarter of

Section Twenty Three (23) and the Northeast Quarter of the Northeast Quarter of Section Twenty Six (26) all in Township Thirty Five (35), South of Range Seven (7), East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 9:

The following described real property situated in Klamath County, Oregon, to-wit:

That portion of Government Lots 23 and 24, Section 12 T36S, R10E of WM, more particularly described as follows:

Commencing at the intersection of the Easterly line of said Lot 24 with the Southerly line of Sprague River, thence Southwesterly along the Southerly and Easterly line of Sprague River to a point on the South line of said Lot 23; thence East along the South line of Lots 23 and 24 to the Southeast corner of said Lot 24; thence North along the East line of said Lot 24 to the point of beginning.

PARCEL 10:

The following described real property situated in Klamath County, Oregon, to-wit:

That portion of Government Lots 22 and 23, Section 12 T36S, R10E of WM, more particularly described as follows:

Beginning at the corner common to Lots 22, 23, 26 and 27 said Section, Township and Range. Thence West along the South line of said Lot 22 to a point on the Easterly line of Sprague River; thence Northeasterly and Southeasterly along Sprague River to a point on the South line of Lot 23; thence West along the South line of said Lot 23 to the point of beginning.

Exhibit "B"

19283

PARCEL 1:

Land in Harney county, Oregon, as follows:

In Twp. 24 S., R. 24 E., W.M.:
Sec. 21: SW1/4SE1/4.

In Twp. 25 S., R. 24 E., W.M.:

Sec. 16: E1/2E1/2, NW1/4NE1/4,
S1/2SW1/4, SW1/4SE1/4.

Sec. 17: SW1/4SW1/4.

Sec. 18: Lot 4, SE1/4SW1/4,
S1/2SE1/4.

Sec. 19: N1/2NE1/4, NE1/4NW1/4.

Sec. 20: NW1/4NE1/4, S1/2NE1/4,
NW1/4SE1/4, SE1/4SW1/4.

Sec. 21: S1/2NW1/4, SW1/4NE1/4,
W1/2SE1/4, N1/2SW1/4.

Sec. 28: N1/2, SW1/4, NW1/4SE1/4.

Sec. 29: SE1/4NE1/4, N1/2SE1/4,
SW1/4SE1/4.

Sec. 31: E1/2NW1/4, Lot 1.

Sec. 32: SE1/4SW1/4, S1/2SE1/4,
NE1/4SE1/4.

Sec. 33: SW1/4SW1/4.

Sec. 34: SE1/4NE1/4, NE1/4SE1/4.

Sec. 35: S1/2NW1/4, SW1/4, SW1/4NE1/4,
W1/2SE1/4.

In Twp. 26 S., R. 24 E., W.M.:

Sec. 2: Lots 2, 3 and 4, S1/2NW1/4.

Sec. 4: SE1/4SE1/4, SW1/4SW1/4.

Sec. 5: Lots 1, 2 and 3, S1/2NE1/4,
SE1/4NW1/4, E1/2SE1/4.

Sec. 6: Lots 2, 3, 4, 5, 6 and 7,
S1/2SE1/4, SE1/4SW1/4.

Sec. 7: Lots 1, 2, 3 and 4, NE1/4NE1/4,
W1/2NE1/4, E1/2NW1/4, E1/2SW1/4,
SE1/4SE1/4, NW1/4SE1/4.

Sec. 8: NE1/4NE1/4, W1/2NW1/4.

Sec. 9: E1/2NE1/4, SW1/4NE1/4, NW1/4,
E1/2SE1/4, NW1/4SW1/4.

Sec. 10: NW1/4NE1/4, N1/2NW1/4,
SW1/4NW1/4, W1/2SW1/4.

Sec. 11: NW1/4NW1/4, E1/2W1/2, SE1/4.

Sec. 13: SW1/4NW1/4, NW1/4SW1/4.

Sec. 14: SW1/4NW1/4, SW1/4, W1/2SE1/4,
NE1/4SE1/4.

Sec. 15: S1/2N1/2, N1/2S1/2, S1/2SE1/4.

- Sec. 16: W1/2NE1/4, S1/2NW1/4, S1/2.
 Sec. 17: E1/2, S1/2NW1/4, SW1/4.
 Sec. 18: Lots 1, 2, 3 and 4, E1/2W1/2, E1/2.
 Sec. 19: Lot 1, NE1/4NW1/4, N1/2NE1/4.
 Sec. 20: E1/2E1/2, NW1/4NE1/4, N1/2NW1/4, SW1/4SE1/4.
 Sec. 21: N1/2NE1/4, W1/2.
 Sec. 22: NW1/4NW1/4, S1/2N1/2, NE1/4SE1/4.
 Sec. 23: W1/2NE1/4, NW1/4, N1/2S1/2.
 Sec. 24: SW1/4SE1/4, SW1/4NE1/4, SE1/4NW1/4, N1/2S1/2.
 Sec. 25: E1/2E1/2, W1/2NE1/4, NW1/4SE1/4, SAVE & EXCEPT that portion in N1/2NE1/4, SW1/4NE1/4 contained within highway right of way.
 Sec. 26: All, SAVE & EXCEPT that portion in S1/2SE1/4, NE1/4SE1/4 contained within highway right of way.
 Sec. 27: SE1/4NE1/4, S1/2SW1/4, SE1/4.
 Sec. 28: NE1/4NW1/4, S1/2NW1/4, SW1/4, NW1/4SE1/4, S1/2SE1/4.
 Sec. 29: E1/2.
 Sec. 31: SE1/4SW1/4.
 Sec. 33: That portion of the E1/2SE1/4 lying north and west of the highway right of way.
 Sec. 34: S1/2NE1/4, NW1/4, SE1/4, that portion of the SW1/4 lying north and west of the highway right of way, SAVE & EXCEPT that portion in S1/2NE1/4, NW1/4SE1/4 conveyed to Harney county by deed dated July 27, 1931, recorded July 30, 1931, in book 35, page 323, deeds, for highway right of way.
 Sec. 35: W1/2SW1/4.

In Twp. 26 S., R. 25 E., W.M.:

- Sec. 19: Lot 3, E1/2SW1/4, S1/2SE1/4, SAVE & EXCEPT that portion in E1/2SW1/4, SW1/4SE1/4 conveyed to Harney county, by deed dated Sept. 14, 1931, recorded Sept. 14, 1931, in book 35, page 368, deeds, for highway right of way.

Section 29: SE1/4NW1/4, W1/2NW1/4, SW1/4.
 Sec. 30: Lots 1, 2, 3 and 4, E1/2W1/2,
 NE1/4NE1/4, SW1/4NE1/4, SAVE &
 EXCEPT that portion in lot 1
 conveyed to Harney county by
 deed dated Sept. 14, 1931, re-
 corded Sept. 14, 1931, in book
 35, page 368, deeds for high-
 way right of way.

Sec. 32: S1/2NE1/4, E1/2NW1/4, N1/2SE1/4.

In Twp. 27 S., R. 24 E., W.M.:

Sec. 3: Lots 1, 2 and 3, S1/2NE1/4,
 SE1/4NW1/4, NE1/4SW1/4,
 NW1/4SE1/4.

Sec. 4: That portion of lots 1, 2 and
 3 lying north and west of the
 highway right of way.

Sec. 5: SW1/4SW1/4.

Sec. 6: Lot 2, S1/2NE1/4, NE1/4SE1/4.

In Twp. 27 S., R. 25 E., W.M.:

Sec. 1: Lots 1, 2 and 3, S1/2N1/2,
 N1/2SW1/4, NW1/4SE1/4.

Sec. 2: SE1/4NE1/4, N1/2S1/2,
 SW1/4SW1/4.

Sec. 3: S1/2NW1/4, S1/2.

Sec. 10: N1/2NW1/4.

In Twp. 29 S., R. 24 E., W.M.:

Sec. 3: NE1/4SE1/4.

Land in Lake county, Oregon, as follows:

Township 30 south, range 22 east of the
 Willamette Meridian,

Section 1: SE1/4SE1/4.

Section 12: NE1/4NE1/4.

Township 30 south, range 23 east of the
 Willamette Meridian,

Section 6: Lot 7.

Section 7: Lots 1 and 2.

Section 24: NE1/4SW1/4, NW1/4SE1/4.

Township 25 south, range 23 east of the
 Willamette Meridian,

Section 4: W1/2SW1/4.

Section 5: N1/2NE1/4, SE1/4NE1/4,
 NE1/4SE1/4.

- Section 9: SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SE1/4.
- Section 13: NW1/4SW1/4, NW1/4NW1/4, E1/2NW1/4, SW1/4NE1/4, SE1/4.
- Section 14: N1/2S1/2.
- Section 15: NE1/4NW1/4.
- Section 23: N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, NW1/4SE1/4.
- Section 26: NW1/4, E1/2SW1/4, SW1/4SE1/4.
- Section 27: SE1/4NE1/4, SE1/4.
- Section 34: SE1/4NE1/4, NW1/4NE1/4.
- Section 35: NW1/4NE1/4, NE1/4NW1/4.
- Section 36: N1/2, N1/2SW1/4, SE1/4.

Township 26 south, range 23 east of the
Willamette Meridian,
Section 13: W1/2SE1/4, SE1/4SW1/4.
Section 24: E1/2NW1/4.
Section 36: E1/2NE1/4.

Township 27 south, range 21 east of the
Willamette Meridian,
Section 24: S1/2.

SUBJECT TO: A contract of sale dated September 16, 1976, wherein Melvin W. McCollum and LaVene E. Konschot, personal representatives of the estate of Mabel A. McCollum, deceased, are sellers and Peila Ranch, an Oregon corporation, is purchaser, said memorandum of agreement being recorded September 16, 1976, in Book 102, Page 80, of the deed records of Harney County, Oregon, and on September 17, 1976, in Book 172, Page 6, of the deed records of Lake County, Oregon, said contract being amended by an amendment to contract dated July 9, 1982.

PARCEL 2:

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Beginning at an iron pipe, driven in the ground on fence line, which marks the North boundary of the John Irvine and Katherine Irvine Donation Land Claim #39, at a point 455 feet easterly from the Northwest corner of said claim. Being also the North boundary of Block "H" of Chenoweth Home Tracts, located in Section 29, Township 2 North, Range 13 East of the Willamette Meridian. Running thence South $02^{\circ} 44'$ West 787 feet to the South line of said Block "H"; thence North $86^{\circ} 30'$ East, along said South line, 190 feet; thence North $07^{\circ} 06'$ West 780 feet to the North boundary of said Block "H" and Irvine Donation Land Claim; thence North $89^{\circ} 38'$ West along said boundary 55 feet to point of beginning, in the County of Wasco and State of Oregon.

SUBJECT TO:

A contract of sale dated July 6, 1976, wherein Melvin W. McCollum and LaVene E. Konschot, personal representatives of the Estate of George W. McCollum, deceased, are seller and Frank F. Baldwin and Bernice C. Baldwin, husband and wife, are buyer, said contract being recorded October 7, 1976, as instrument Number 76-2591 of the Official Records of Wasco County, Oregon.

FIRST EXECUTIVE CORPORATION
Estate of Mabel A. McCollum
Inventory

Stock Certificates

Certificate #	Dated	Owner	# Shares
D 8373	11/17/80	Mabel A. McCollum	45
D 4882	02/11/80	Mabel A. McCollum	30
D 3084	02/11/80	Mabel A. McCollum	5
D 12444	11/02/81	Mabel A. McCollum	135
09031	07/06/70	Mabel A. McCollum	55
E 41893	10/17/83	Mabel A. McCollum	112
E 20916	01/14/83	Mabel A. McCollum	67
E 65614	09/26/86	Mabel A. McCollum	112
09030	07/06/70	George W. McCollum	55
D 8371	11/17/80	George W. McCollum	45
D 4880	02/11/80	George W. McCollum	30
D 3082	02/11/80	George W. McCollum	5
D 12442	11/02/81	George W. McCollum	135
E 41892	10/17/83	George W. McCollum	112
E 20915	01/14/83	George W. McCollum	67
E 65613	09/26/86	George W. McCollum	112
09032	07/06/70	George W. & Mabel A. McCollum	55
D 8372	11/17/80	George W. & Mabel A. McCollum	45
D 4881	02/11/80	George W. & Mabel A. McCollum	30
D 3083	02/11/80	George W. & Mabel A. McCollum	5
D 12443	11/02/81	George W. & Mabel A. McCollum	135
E 41869	10/17/83	George W. & Mabel A. McCollum	112
E 20849	01/14/83	George W. & Mabel A. McCollum	67
E 65602	09/26/86	George W. & Mabel A. McCollum	112
		(as joint tenants in each case)	

Warrant Certificates

Certificate #	Dated	Owner	# Shares
W 03128	11/15/85	George W. McCollum	22
W 03054	11/15/85	George W. & Mabel A. McCollum	22
		(as joint tenants)	
W 03129	11/15/85	Mabel A. McCollum	22

Exhibit "D"

A trust deed executed by Dennis A. Stephens, grantor, to Josephine County Title Co., an Oregon corporation, trustee, and LaVene E. Konschot and Melvin W. McCollum, co-personal representatives of the estate of Mabel A. McCollum, beneficiary, dated February 28, 1980, recorded May 21, 1980 as Document No. 80-01097, Official Records of Josephine County, Oregon.

Together with a promissory note dated February 28, 1980, from Dennis A. Stephens to LaVene E. Konschot and Melvin W. McCollum, co-personal representatives of the estate of Mabel A. McCollum, secured by such trust deed, the face amount of such note being \$15,459.57.

This instrument is a correct copy of
the original on file in this office.

ATTEST OCT 17 1986
Circuit Court - Trial Court Clerk
State of Oregon - Jackson County

By Lorene H. McCormack



Exhibit "D" - Page 1 of 1

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of _____ October _____ A.D., 19 86 at 3:46 o'clock A M., and duly recorded in Vol. 1886
of _____ Deeds _____ on Page 19276

FEE \$57.00

Evelyn Biehn, County Clerk
By Lam Smith